UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/713,235	11/16/2000	Takeshi Yamazaki	35.C14929	3238

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EXAMINER
GRANT II, JEROME

ART UNIT	PAPER NUMBER
2626	

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/713,235	YAMAZAKI ET AL.
	Examiner	Art Unit	
	Jerome Grant II	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _01 January 2005_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-25_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1,2,5-8,10-16 and 18-25_ is/are rejected.

7)☒ Claim(s) _3,4,9 and 17_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

        1.☒ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

JEROME GRANT II
PRIMARY EXAMINER

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Detailed Action

1.   112 Second Para. Rej.

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.

In claim 2, line 2 it is not clear what a unit of band is. There is no antecedent basis for

this term.

In claim 2, line 4, there is no antecedent basis for each band when it is implied that

there is only one band.

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the
>
> United States before the invention thereof by the applicant for patent, or on an international application
>
> by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this
>
> title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior

to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 5-8, 10, 12, 13, 15, 16 and   18-25 rejected under 35 U.S.C. 102(e) as

being anticipated by Sherma.

With respect to claim 1, Sherma teaches an image processing method

comprising: an input step (step 21 of figure 4, see scanner 62) of sequentially inputting

image data corresponding to plural partial areas obtained by dividing one page

image(into plural blocks for calculations of variance of each clock, see figures 7 and 8,

see also para. 29); a judgment step (by watermark software at para. 26) for judging

whether the input image data corresponds to a margin area or a non-margin area; a

detection step (watermark software) for detecting whether or not the image

corresponding to the non-margin area represents at least a part of the specific image

(actual watermark), see para. 30, last 4 lines and the entire para. 31; and a control step

(computer 60) for controlling printing out (to printer 63) of the image data corresponding

to the non-margin area (place of the watermark), in accordance with the detected result

in said detection step (watermark software).

With respect to claim 5, Sherma teaches a storage medium RAM, ROM

according to para. 101, for storing a program including: an input step (step 21 of figure

4, see scanner 62) of sequentially inputting image data corresponding to plural partial

areas obtained by dividing one page image(into plural blocks for calculations of variance

of each clock, see figures 7 and 8, see also para. 29); a judgment step (by watermark

software at para. 26) for judging whether the input image data corresponds to a margin

area or a non-margin area; a detection step (watermark software) for detecting whether

or not the image corresponding to the non-margin area represents at least a part of the

specific image (actual watermark), see para. 30, last 4 lines and the entire para. 31;

and a control step (computer 60) for controlling printing out (to printer 63) of the image

data corresponding to the non-margin area (place of the watermark), in accordance

with the detected result in said detection step (watermark software).

With respect to claim 6, Sherma teaches an image processing apparatus

comprising: input means (scanner 62) for sequentially inputting image corresponding to

plural partial areas obtained by dividing on-page image; corresponding to plural partial

areas obtained by dividing one page image (into plural blocks for calculations of

variance of each clock, see figures 7 and 8, see also para. 29); a judgment means (by

watermark software at para. 26) for judging whether the input image data corresponds

to a margin area or a non-margin area; a detection means (watermark software) for

detecting whether or not the image corresponding to the non-margin area represents at

least a part of the specific image (actual watermark), see para. 30, last 4 lines and the

entire para. 31; and a control means (computer 60) for controlling printing out (to printer

63) of the image data corresponding to the non-margin area (place of the watermark),

in accordance with the detected result in said detection step (watermark software).

With respect to claim 7, Sherma teaches an image processing method

comprising: an input step (step 21) of figure 4 for inputting image information according

to an image;

A block selection step (22 and 23 of figure 4) for a block having a predetermined size; a

specific image judgment step (water mark software, see para. 26) for judging whether

or not the input image corresponds to a specific image having a predetermined feature

(invisible to the naked eye) in accordance with the image information of the block; and

process step of processing the input image in accordance with the judge result in said

specific image judgment outputting the result to a printer 63).

With respect to claim 8, Sherma teaches high variance and low variance values

dispersed at different positions on the processed image. The variance values are

obtained between selected blocks. Note the low variance information is rejected. High

variance data is selected as where the watermark should be placed.

With respect to claim 10, Within the borders are where variance is low (white

pixels present)

With respect to claim 12, see paragraphs 30 and 31 for the electronic watermark

as the specific image.

With respect to claim 13, this limitation is at least suggested by scanner 62 of

Sherma.

With respect to claim 15, see the display means 61.

With respect to claim 16, see figure 8.

With respect to claim 18, Sherma teaches a RAM and ROM, according to para.

101 for storing a computer readable program including the steps of:

an input step (step 21) of figure 4 for inputting image information according to an image;

A block selection step (22 and 23 of figure 4) for a block having a predetermined size; a

specific image judgment step (water mark software, see para. 26) for judging whether

or not the input image corresponds to a specific image having a predetermined feature

(invisible to the naked eye) in accordance with the iamge information of the block; and

process step of processing the input image in accordance with the judge result in said

specific image judgment outputting the result to a printer 63).

With respect to claim 19, Sherma teaches an input means via processor

implementing (step 21) of figure 4 for inputting image information according to an

image;

a block selection shown by means 22 and 23 of figure 4 for a block having a

predetermined size; a specific image judgment means, via water mark software, see

para. 26 for judging whether or not the input image corresponds to a specific image

having a predetermined feature (invisible to the naked eye) in accordance with the

image information of the block; and process means via a printer 63 for processing the

input image in accordance with the judge result in said specific image judgment.

With respect to claims 20 and 25, Sherma teaches an image processing method comprising: an input step (scanner 62 as the apparatus for the step) for inputting image information according to an image; and a judgment step of judging (watermark software according to para. 26 as the means for judging) for each image data corresponding to a block area of a predetermined size (see figures 8 and 10a) in the image information input in said input step, whether or not the image data is a part of a specific image (non-border) wherein said judgment step (software for watermark) performs the judgment not to the entire image information input in said input step but to a part of the image information (where the watermark is mostly to be, for example, in the non-border areas).

With respect to claims 21 -24, Sherma teaches a RAM, ROM for storing a program including: Sherma teaches an image processing method comprising: an input step (scanner 62) for inputting image information according to an image; and a judgment step of juding (watermark software according to para. 26) for each image data corresponding to a block area of a predetermined size (see figures 8 and 10a) in the image information input in said input step, whether or not the image data is a part of a specific image (non-border) wherein said judgment step (software for watermark) perfoms the judgment not to the entire image information input in said input step but to a part of the image information (where the watermark is mostly to be, for example, in the non-border areas).

3.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set

forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negatived by the manner in which the invention was made.

Claims 11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Sherma in view of Kubo.

With respect to claim 11, Sherma teaches all of the subject matter upon which

this claim depends except for stopping the input function upon detection of the

mark.

Kubo clearly teaches a sensor 74 for reading image data. However, when sensor

76 detects a watermark, the input sensor 74 is prevented from reading the image

any further.

Since Sherma and Kubo are both directed to the art of image scanning and

image processing of data that includes watermarks, the purpose of prevent the

scanning of image data when a water mark is detected, would have been

contemplated by Sherma as clearly set forth by Kubo.

It would have been obvious to one of ordinary skill in the art to replace the

scanner 62 of Sherma with the scanning arrangement 74 and 76 and auxillary

scanning apparatus of Kubo for the purpose of preventing scanning upon the

detection of a watermark.

With respect to claim 14, Sherma teaches all of the subject matter upon which

this claim depends including the printer 63. What Sherma does not teach is that the

printing operation is stopped upon the detection of a specific image (watermark).

Kubo clearly teaches stopping the printing of an operation upon the detection of

a watermark. See col. 11, lines 5-10.

Since Kubo and Sherma are both directed to the art of image scanning and image

processing of data that includes watermarks, the purpose of prevent the printing of

image data when a watermark is detected, would have been contemplated by

Sherma as clearly set forth by Kubo.

It would have been obvious to one of ordinary skill in the art to replace the printer

63 of Sherma with the printing arrangement shown in Kubo and taught at col. 11,

lines 5-10 for the purpose of preventing scanning upon the detection of a

watermark.

4.   Claim 2 would be allowable if rewritten to overcome the rejection(s) under 35

U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the

limitations of the base claim and any intervening claims.

5.   Claims 3, 4, 9 and 17 are objected to as being dependent upon a rejected

base claim, but would be allowable if rewritten in independent form including all of the

limitations of the base claim and any intervening claims.

6.   **Examiner's Remarks**

Applicant's remarks have been considered but are moot in view of the new grounds

of rejection.

7.   Any inquiry concerning this communication or earlier communications

from the examiner should be directed to Jerome Grant II whose telephone number is

571-272-7463. The examiner can normally be reached on Mon.-Thurs. from 9:00 to

5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kimberly A. Williams, can be reached on 571-272-7471. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300. Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

JEROME GRANT II
PRIMARY EXAMINER

J. Grant II